

In re) Fair Hearing No. B-06/09-344
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 Appeal of)

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, terminating her coverage under the Vermont Health Access Program (VHAP) for the month of June 2009 due to failure to pay the program premium on time.

1. The petitioner is a single person household. She is eligible for VHAP provided she pays her monthly premium of \$7.00.

2. The petitioner does not dispute that she received timely notice that her premium was due by May 15, 2009, and that on May 20, 2009, the Department sent her a Notice that her VHAP eligibility would end on May 31, 2009 unless she paid the premium by that date.

3. The Department did not receive a premium payment from the petitioner by May 31, 2009. The Department closed petitioner's VHAP benefits for the month of June 2009.

Petitioner made a premium payment on or about June 24, 2009, and she became eligible for VHAP starting July 1, 2009.

4. The petitioner testified that she made out payment to VHAP during May 2009 and left the letter with her payment in her apartment mailbox for the postman. Petitioner did not learn until June 2009 that the payment had not been received; she checked with her credit union and learned that the money order had not been cashed.

ORDER

The Department's decision is affirmed.

REASONS

In response to a legislative directive to enact cost-savings measures designed to sustain the public health care assistance programs, the Department adopted regulations establishing monthly premiums to be paid prospectively by VHAP recipients beginning on January 1, 2004. W.A.M. § 4001.91. Unfortunately, the regulations require that "coverage shall be terminated if an individual does not pay the required program fee by the billing deadline". W.A.M. § 4001.91.

In this case, there is no dispute that the Department did not receive payment from the petitioner by the May 31,

2009 deadline and that she was properly notified by the Department of the closure of her benefits as of that date. In addition, there is no dispute that the Department reinstated petitioner's VHAP benefits for July 2009 upon payment of her premium during June 2009. Unfortunately, the regulations make no provision for retroactive reinstatement of coverage after a closure for nonpayment of the premium.

Inasmuch as the Department's decision is in accord with the pertinent regulations, the Department's decision is affirmed.

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